



Ninety-Ninth Legislature - First Session - 2005
Introducer's Statement of Intent
LB 236

Chairperson: Douglas Cunningham
Committee: Business and Labor
Date of Hearing: January 24, 2005

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 236 was introduced at the request of the Nebraska Workers' Compensation Court.

This bill is intended to address an issue raised in two appellate opinions which found that the compensation court does not have authority to find plain error if a party has not alleged the error in an application for review. See Cochran v. Bill's Trucking, Inc., 10 Neb. App. 48, 624 N.W.2d 338 (2001); Stockwell-Davies v. The Larson Company, No. A-02-928 (September 23, 2003) (unpublished). The compensation court believes it should have such authority, and should be able to correct errors made at the trial court level even if the parties have not raised the issue on appeal to the review panel.

In addition to addressing the plain error question, proposed changes would also make it clear that a cross appeal can be raised in an appellee's brief, rather than requiring both parties to file a separate application for review. This issue was also raised by the Stockwell-Davies case cited above.

Principal Introducer:

Senator Jeanne Combs